

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

NANCY HENDERSON and THOMAS  
HENDERSON,

Plaintiffs

vs.

DALE CUNNINGHAM, GREYHOUND  
LINES, INC.

Defendants

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\*  
\*  
\*  
\*

2007 OCT 11 A 10:22

CERRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

\* CASE NO.: 3:07CV916 - F

\* FROM THE CIRCUIT COURT OF  
\* RUSSELL COUNTY, ALABAMA  
\* CV-07-223

\*

TO: THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA:

**NOTICE OF REMOVAL**

COMES NOW the Defendant Greyhound Lines, Inc., and gives notice that this cause is hereby removed from the Circuit Court of Russell County, Alabama, to the United States District Court for the Middle District of Alabama. For its Notice of Removal, Greyhound Lines, Inc. shows unto this Court as follows:

1. This lawsuit is a civil action within the meaning of the Acts of Congress relating to the removal of cases.

**I. RELEVANT PROCEDURAL FACTS**

2. Plaintiff Nancy Henderson initiated this suit in the Circuit Court of Russell County, Alabama against Greyhound Lines, Inc. and Dale Cunningham. The case was assigned case number CV-07-223. Plaintiff effected service of the Complaint by certified mail upon Greyhound Lines, Inc. on September 27, 2007. No service has been effected

SCANNED  
10/11/07

on Defendant Dale Cunningham . This notice is filed in the United States District Court for the Middle District of Alabama, within the time allowed by law for the removal of civil actions to the United States District Court. The documents attached hereto as Exhibit "A" constitute all the process, pleadings and orders served upon Greyhound Lines, Inc. in this action.

3. Plaintiff alleges she has suffered substantial damages in that she has suffered personal injuries and was caused to undergo medical treatment and/or incur medical expenses for the treatment of said injuries. She further alleges she may be caused to incur future medical expenses in the care and treatment of injuries allegedly suffered in this accident, including mental anguish. Additionally, Plaintiff alleges she suffered pain and suffering and loss of wages and earning capacity as a result of this accident. (Paragraph 13 of Plaintiff's Complaint, Exhibit A).

4. This action could have been filed in this Court pursuant to 28 U.S.C. § 1332 as complete diversity of citizenship exists between the properly joined parties in this cause and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

## **II. THE CITIZENSHIP OF THE PARTIES**

5. The Plaintiff is at the time of the institution of this civil action, a citizen and resident of the State of Alabama and/or is not a citizen of the State of Delaware, the State of Texas, or the State of Georgia. Defendant Dale Cunningham is at the time of the institution of this civil action, a citizen of the State of Georgia. Greyhound Lines, Inc. is and was at the time of the institution of this civil action, a corporation organized and existing under and by virtue of the laws of the State of Delaware, having its principal place of

business in Dallas, Texas. Greyhound Lines, Inc. is not now, and was not at the time of the filing of the Complaint, a citizen and resident of the State of Alabama within the meaning of the Acts of Congress relating to the removal of causes.

**III. THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED**

6. Plaintiff seeks compensatory and punitive damages alleging a tortious injury against the Defendant Greyhound Lines, Inc. by virtue of a bus accident involving a Greyhound Lines, Inc. bus on which the Plaintiff was allegedly a passenger. Plaintiff alleges that Defendant Greyhound Lines, Inc. negligently entrusted said bus to Defendant Dale Cunningham; that Defendant Greyhound Lines, Inc. negligently hired and supervised Defendant Dale Cunningham; that Defendant Dale Cunningham was negligent and/or wanton in the operation of the bus while acting in the scope of employment for Defendant Greyhound Lines, Inc. and as a proximate result thereof, Plaintiff suffered damages compensatory and punitive damages are claimed of both Defendants.

7. Although the *ad damnum* in Plaintiff's Complaint does not specify an amount, it is sufficient to establish diversity jurisdiction if there is a probability that the value of the matter in controversy exceeds the jurisdictional amount. See *Jeffries v. Silvercup Bakers, Inc.*, 434 F.2d 310 (7<sup>th</sup> Cir. 1970). The time to ascertain whether the jurisdictional amount exists is the time the Notice of Removal is filed. See *Ellis v. Logan Co.*, 543 F.Supp. 586 (W.D. Ky. 1982).

8. In diversity actions, state law governs substantive issues. See *Caster v. Hennessey*, 781 F.2d 1569 (11<sup>th</sup> Cir. 1986). As noticed above, it is well settled in numerous cases under Alabama law, that the Plaintiff's claims reasonably involve an

amount in controversy in excess of \$75,000.00, exclusive of interest and costs.

9. Accordingly, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See, e.g. Tapscott*, 77 F.3d at 1359 (11<sup>th</sup> Cir. 1996) (when Plaintiffs make an unspecified claim for damages, removing party need only show by a preponderance of the evidence that the amount in controversy exceeds the jurisdictional limit); *Holley Equip. Co. v. Credit Alliance Corp.*, 821 F.2d 1531, 1535 (11<sup>th</sup> Cir. 1987) ("when determining the jurisdictional amount in diversity cases, punitive damages must be considered."); *Swafford v. Transit Cas. Company*, 486 F. Supp. 175, 177 (N.D. Ga. 1980) ("it is clear that in determining the jurisdictional amount in controversy, punitive damages are to be counted.") *citing Bell v. Preferred Life Assurance Society*, 320 U.S. 238, 64 S. Ct. 5 (1943).

**IV. THE OTHER PREREQUISITES FOR REMOVAL HAVE BEEN SATISFIED**

10. A true copy of this Notice of Removal is filed with the Clerk of the Circuit Court of Russell County, Alabama as required by 28 U.S.C. § 1446(d). If any question arises as to the propriety of the removal of this action, Greyhound Lines, Inc. requests the opportunity to present a brief and oral argument in support of its position that this cause is removable and to conduct removal related discovery as appropriate. *See Williams v. Best Buy Co., Inc.*, 2001 WL 1244759 (11<sup>th</sup> Cir. 2001).

WHEREFORE, Defendant Greyhound Lines, Inc., desiring to remove this cause to the United States District Court for the Middle District of Alabama, being the district and division of said Court for the county in which said action is pending, prays that the filing of this Notice of Removal with the Clerk of the Circuit Court of Russell County, Alabama, shall

effect the removal of said suit to this Court.

Respectfully Submitted,



DONALD F. PIERCE (PIERD9277)  
JOHN C.S. PIERCE (PIERJ0347)  
D. KIRBY HOWARD (HOWD3177)  
Attorneys for Greyhound Lines, Inc.

OF COUNSEL:

BUTLER PAPPAS WEIHMULLER KATZ CRAIG LLC  
Post Office Box 16328  
Mobile, Alabama 36616  
(251) 338-3801 - telephone  
(251) 338-3805 - facsimile

**CERTIFICATE OF SERVICE**

I hereby certify that I filed the foregoing with the Clerk of the Court and mailed by United States Postal Service, first class postage prepaid to the following:

Melissa B. Thomas, Esq.  
P. O. Box 1028  
Phenix City, AL 36868-1028

James R. McKoon, Jr., Esq.  
P. O. Box 3220  
Phenix City, AL 36868-3220

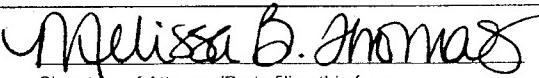
Dale Cunningham  
517 Fond Du Lac Drive  
Stone Mountain, Georgia 30088

Done this 9 day of October, 2007.



COUNSEL

cc: Kathy Coulter, Clerk  
Circuit Court of Russell County, Alabama

State of Alabama Unified Judicial System  Form ARCiv-93 Rev.5/99		<b>COVER SHEET</b> <b>CIRCUIT COURT – CIVIL CASE</b> <small>(Not For Domestic Relations Cases)</small>		Case Number C V <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/>	Date of Filing: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Month Day Year	Judge Code: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>						
<b>GENERAL INFORMATION</b>												
IN THE CIRCUIT COURT OF _____		RUSSELL			, ALABAMA							
NANCY HENDERSON		v. <small>(Name of County)</small>			GREYHOUND LINES, INC.							
Plaintiff		First Defendant			Defendant							
First Plaintiff	<input type="checkbox"/> Business <input type="checkbox"/> Government	<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Other		<input checked="" type="checkbox"/> Business <input type="checkbox"/> Government	<input type="checkbox"/> Individual <input type="checkbox"/> Other							
<b>NATURE OF SUIT:</b> Select primary cause of action, by checking box (check only one) that best characterizes your action:												
<b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input checked="" type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____		<b>OTHER CIVIL FILINGS (cont'd)</b> <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ <input type="checkbox"/> CVRT - Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> COND - Civil Rights <input type="checkbox"/> CTMP - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CONT - Contempt of Court <input type="checkbox"/> TOCN - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> EQND - Conversion <input type="checkbox"/> CVND - Equity Non-Damages Actions/Declaratory Judgment/Injunction <input type="checkbox"/> CVUD - Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> FORJ - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORF - Foreign Judgment <input type="checkbox"/> MSHC - Fruits of Crime Forfeiture <input type="checkbox"/> PFAB - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> FELA - Protection From Abuse <input type="checkbox"/> RPRO - Railroad/Seaman (FELA) <input type="checkbox"/> WTEG - Real Property <input type="checkbox"/> COMP - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> CVXX - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case										
<b>OTHER CIVIL FILINGS</b> <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Services												
<b>ORIGIN (check one):</b> F <input checked="" type="checkbox"/> INITIAL FILING  R <input type="checkbox"/> REMANDED		A <input type="checkbox"/> APPEAL FROM <small>DISTRICT COURT</small>		O <input type="checkbox"/> OTHER:  T <input type="checkbox"/> TRANSFERRED FROM <small>OTHER CIRCUIT COURT</small>								
<b>HAS JURY TRIAL BEEN DEMANDED?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<small>Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)</small>										
<b>RELIEF REQUESTED:</b> <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED		<input type="checkbox"/> NO MONETARY AWARD REQUESTED										
<b>ATTORNEY CODE:</b> <table border="1"> <tr> <td>T</td><td>H</td><td>O</td><td>1</td><td>0</td><td>7</td> </tr> </table> <small>Date</small>		T	H	O	1	0	7	 <small>Signature of Attorney/Party filing this form</small>				
T	H	O	1	0	7							
<b>MEDIATION REQUESTED:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNDECIDED												

2007 SEP 19 AM 8:02  
 FILED IN OFFICE  
 CIRCUIT / DIST. COURT  
 RUSSELL CO., ALA.

AVS0300

ALABAMA JUDICIAL DATA CENTER  
RUSSELL COUNTY

## SUMMONS

CV 2007 000223.00  
ALBERT L. JOHNSON

IN THE CIRCUIT COURT OF RUSSELL COUNTY

NANCY HERNDERSON, ET AL VS GREYHOUND LINS, INC., ET AL

SERVE ON: (D001)

## PLAINTIFF'S ATTORNEY

GREYHOUND LINES INC  
THE CORPORATION CO  
2000 INTERS PK DR STE 204  
MONTGOMERY , AL 36109-0000THOMAS MELISSA BLANCH  
POST OFFICE BOX 1028  
PHENIX CITY , AL 36868-1028

TO THE ABOVE NAMED DEFENDANT:

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS, YOU OR YOUR ATTORNEY ARE REQUIRED TO MAIL OR HAND DELIVER A COPY OF A WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT TO THE PLAINTIFFS ATTORNEY(S) SHOWN ABOVE OR ATTACHED:

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGEMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE COURT BELOW.

- TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY EITHER RULES 4.1(B)(2) OR 4.2(B)(2) OR 4.4(B)(2) OF THE ALABAMA RULES OF CIVIL PROCEDURE:  
YOU ARE HEREBY COMMANDED TO SERVE THIS SUMMONS AND A COPY OF THE COMPLAINT IN THIS ACTION UPON DEFENDANT.
- THIS SERVICE BY CERTIFIED MAIL OF THIS SUMMONS IS INITIATED UPON THE WRITTEN REQUEST OF JBC PURSUANT TO RULE 4.1(C) OF THE ALABAMA RULES OF CIVIL PROCEDURE.

DATE: 09/21/2007

CLERK: KATHY COULTER  
PO BOX 518  
PHENIX CITY AL 36868-0510  
(334)298-0516BY: SJC

## RETURN ON SERVICE:

- CERTIFIED MAIL RETURN RECEIPT IN THIS OFFICE ON (DATE)  
(RETURN RECEIPT HERETO ATTACHED)
- I CERTIFY THAT I PERSONALLY DELIVERED A COPY OF THE SUMMONS AND COMPLAINT TO \_\_\_\_\_  
IN \_\_\_\_\_ COUNTY, ALABAMA ON (DATE) \_\_\_\_\_

DATE

SERVER SIGNATURE

SERVER ADDRESS

TYPE OF PROCESS SERVER

OPERATOR: JBC  
PREPARED: 09/21/2007

NANCY HENDERSON and ) IN THE CIRCUIT COURT OF  
 THOMAS HENDERSON, ) RUSSELL COUNTY, ALABAMA  
 Plaintiffs, ) CASE NO.: CV-07-223  
 vs. )  
 GREYHOUND LINES, INC., )  
 DALE CUNNINGHAM, and )  
 Fictitious Defendants A, B, and C, )  
 the person, firm or corporation who )  
 employed the Defendants at the time )  
 of the incident made the basis of this )  
 action; all whose legal names and )  
 address are presently unknown to the )  
 Plaintiffs, but will be substituted by )  
 amendment when ascertained, separately )  
 and severally, )  
 Defendants. )

2007 SEP 19 AM 8:01  
 CIRCUIT / DIST. COURT  
 RUSSELL CO., AL

### COMPLAINT

COME NOW the Plaintiffs, Nancy Henderson and Thomas Henderson, and files the following claim for relief against Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C as follows:

### PARTIES

1. The Plaintiff, Nancy Henderson, is and was at all times relevant to this action over the age of nineteen years and a resident of the State of Alabama.
2. The Plaintiff, Thomas Henderson, is and was at all times relevant to this action over the age of nineteen years and a resident of the State of Alabama. Further, that Plaintiff, Thomas Henderson, is and was at all times relevant to this action the spouse of Plaintiff, Nancy Henderson.
3. The Defendant, Greyhound Lines, Inc., is and was at all times relevant to this action a business believed to be doing business in Russell County, Alabama.

4. The Defendant, Dale Cunningham, is and was at all times relevant to this action an individual believed to be a resident of Stone Mountain, Georgia, but who was operating a passenger bus in Russell County, Alabama at the time of the incident made the basis of this action on October 3, 2005.

5. Fictitious Defendants A, B, and C, whether singular or plural, is that person, firm, corporation, or other entity who employed the Defendants at the time of the incident made the basis of this action.

#### FACTS

6. On or about the 3<sup>rd</sup> day of October, 2005, the Defendant, Dale Cunningham, was operating a passenger bus at the intersection of U.S. Highway 280/431 North and U.S. Highway 80 in Russell County, Alabama.

7. On or about the 3<sup>rd</sup> day of October, 2005, the Plaintiff, Nancy Henderson, was operating a motor vehicle at the intersection of U.S. Highway 280/431 North and U.S. Highway 80 in Russell County, Alabama.

8. On or about the 3<sup>rd</sup> day of October, 2005, the Defendant, Dale Cunningham, was employed by Greyhound Lines, Inc., and /or Fictitious Defendants A, B, and C.

9. On or about the 3<sup>rd</sup> day of October, 2005, the Defendant, Dale Cunningham, was acting within the line and scope of his employment during the incident made the basis of this action.

10. On or about the 3<sup>rd</sup> day of October, 2005, the Defendant, Dale Cunningham, caused and/or allowed the passenger bus he was operating to collide with the motor vehicle driven by the Plaintiff, Nancy Henderson.

**COUNT I**

11. The Plaintiff, Nancy Henderson, realleges and reasserts herein by reference each and every material allegation contained in Paragraphs 1 through 10, and further alleges against Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C as follows:

12. On or about the 3<sup>rd</sup> day of October, 2005, the Defendant, Dale Cunningham, negligently caused and/or allowed the passenger bus he was operating to collide with a motor vehicle occupied by the Plaintiff, Nancy Henderson.

13. As a proximate consequence of the negligence of Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C, the Plaintiff, Nancy Henderson, was caused to suffer the following injuries and damages:

- a. her body was bruised and battered all over;
- b. she was caused to undergo medical procedures, has incurred and currently continues to incur medical expenses and may incur the same in the future;
- c. she suffered mental anguish and depression as a result of the accident and been required to seek medical care and treatment for said mental anguish; and
- d. she has lost time from her work and has suffered a loss of income as a result of the accident.

**WHEREFORE**, Plaintiff demands judgment for compensatory damages plus costs against Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C, in such amounts as may be determined by the jury, plus interest and costs, within the jurisdictional limits of this Court.

**COUNT II**

14. The Plaintiff, Nancy Henderson, realleges and reasserts herein by reference each and every material allegation contained in Paragraphs 1 through 13, and further alleges against Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C as follows:

15. On or about the 3<sup>rd</sup> day of October, 2005, the Defendant, Dale Cunningham, wantonly caused or allowed the passenger bus he was operating to collide with a motor vehicle occupied by the Plaintiff, Nancy Henderson.

16. As a proximate consequence of the negligence of Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C, the Plaintiff, Nancy Henderson, was caused to suffer the following injuries and damages:

- a. her body was bruised and battered all over;
- b. she was caused to undergo medical procedures, has incurred and currently continues to incur medical expenses and may incur the same in the future;
- c. she suffered mental anguish and depression as a result of the accident and been required to seek medical care and treatment for said mental anguish; and
- d. she has lost time from her work and has suffered a loss of income as a result of the accident.

**WHEREFORE**, Plaintiff demands judgment for compensatory and punitive damages plus costs against Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C, in such amounts as may be determined by the jury, plus interest and costs, within the jurisdictional limits of this Court.

**COUNT III**

17. The Plaintiff, Nancy Henderson, realleges and reasserts herein by reference each and every material allegation contained in Paragraphs 1 through 16, and further alleges against Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C as follows:

18. The Defendants, Greyhound Lines, Inc., and/or Fictitious Defendants A, B, and C, negligently and/or wantonly hired, supervised, trained, and retained the Defendant, Dale Cunningham.

19. As a proximate cause of the negligence and/or wantonness of the Defendant Greyhound Lines, Inc. and/or Fictitious Defendants A, B, and C, the Plaintiff, Nancy Henderson, suffered personal injuries resulting in medical expenses, pain and suffering and mental anguish.

**WHEREFORE**, Plaintiff demands judgment for compensatory and punitive damages plus costs against Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C, in such amounts as may be determined by the jury, plus interest and costs, within the jurisdictional limits of this Court.

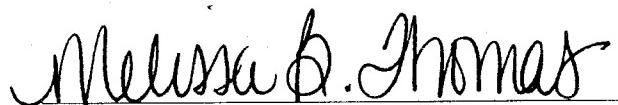
**COUNT IV**

20. The Plaintiff, Thomas Henderson, realleges and reasserts herein by reference each and every material allegation contained in Paragraphs 1 through 19, and further alleges against Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C as follows:

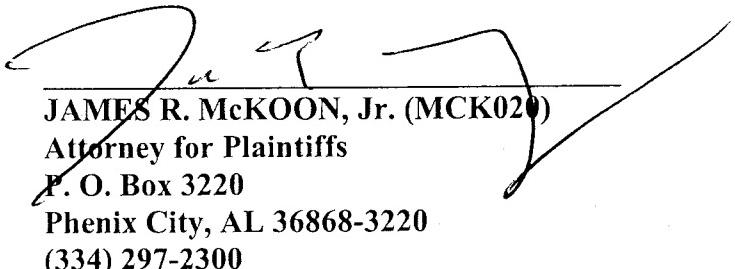
21. As a proximate result of the negligence and/or wantonness of Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C, the

Plaintiff was caused to lose the consortium and society of the Plaintiff's spouse, Nancy Henderson.

**WHEREFORE**, Plaintiff demands judgment for compensatory and punitive damages plus costs against Defendants, Dale Cunningham, Greyhound Lines, Inc., and Fictitious Defendants A, B, and C, in such amounts as may be determined by the jury, plus interest and costs, within the jurisdictional limits of this Court.



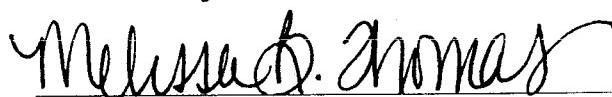
MELISSA B. THOMAS (THO107)  
Attorney for Plaintiffs  
P. O. Box 1028  
Phenix City, AL 36868-1028  
(334) 297-8300



JAMES R. MCKOON, Jr. (MCK020)  
Attorney for Plaintiffs  
P. O. Box 3220  
Phenix City, AL 36868-3220  
(334) 297-2300

**JURY DEMAND**

PLAINTIFFS HEREBY DEMAND A TRIAL BY STRUCK JURY.



MELISSA B. THOMAS (THO107)  
Attorney for Plaintiffs

2007 SEP 19 AM 8:01  
CIRCUIT/DIST. COURT  
RUSSELL CO., AL

FILED IN OFFICE

**PLEASE SERVE DEFENDANTS AS FOLLOWS:**

**GREYHOUND LINES, INC.**  
**c/o The Corporation Company**  
**2000 Interstate Park Drive, Ste. 204**  
**Montgomery, AL 36109**

**DALE CUNNINGHAM**  
**517 Fond Du Lac Drive**  
**Stone Mountain, GA 30088**

Kathy Coulter, Clerk  
P.O. Box 518  
Phenix City, AL 36868-0518

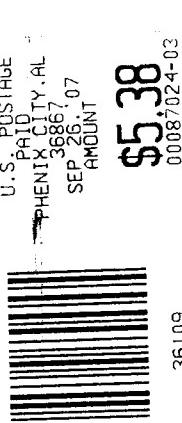


**RETURN RECEIPT  
REQUESTED**

U.S. POSTAGE  
PAID  
PHENIX CITY, AL  
36867  
SEP 26, 07  
AMOUNT

**\$5.38**

00087024-03



7006 2150 0003 8984 7246

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36109

Greyhound Lines, Inc  
c/o The Corporation Company  
2000 Interstate Park Drive, Suite 204  
Montgomery, AL 36109

3610943420-54 CO92

|||||

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

NANCY HENDERSON and THOMAS  
HENDERSON,

Plaintiffs

vs.

DALE CUNNINGHAM, GREYHOUND

Defendants

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CASE NO.: CV-07-223

**NOTICE TO CIRCUIT COURT OF RUSSELL COUNTY OF REMOVAL**

TO: Kathy Coulter, Clerk  
Circuit Court of Russell County  
Russell County Courthouse  
Phenix City, AL 36868-0518

There is hereby filed with you a copy of the Notice of Removal of Greyhound Lines, Inc. in the case styled *Nancy Henderson, et al. v. Dale Cunningham, et al.*, Civil Action No. CV-07-223, designed to remove that action to the United States District Court for the Middle District of Alabama. The Notice of Removal was filed in the United States District Court for the Middle District of Alabama on the 10<sup>th</sup> day of October, 2007.

Written notice of the filing of said Notice of Removal was given to the attorney of record for Plaintiff herein by service effective October 10, 2007, and you are hereby notified that the filing of a copy of the aforesaid Notice with you as Clerk of the Circuit Court of Russell County, Alabama, effects removal of said cause to the United States District Court.

Respectfully Submitted,



DONALD F. PIERCE (PIE004)  
JOHN C.S. PIERCE (PIE009)  
D. KIRBY HOWARD (HOW071)  
Attorneys for Greyhound Lines, Inc.

OF COUNSEL:

BUTLER PAPPAS WEIHMULLER KATZ CRAIG LLC  
Post Office Box 16328  
Mobile, Alabama 36616  
(251) 338-3801 - telephone  
(251) 338-3805 - facsimile

**CERTIFICATE OF SERVICE**

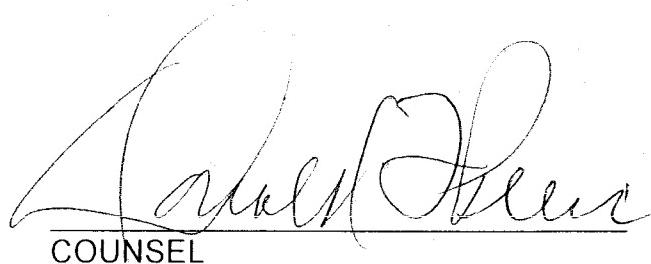
I hereby certify that I filed the foregoing with the Clerk of the Court and mailed by United States Postal Service, first class postage prepaid to the following:

Melissa B. Thomas, Esq.  
P. O. Box 1028  
Phenix City, AL 36868-1028

James R. McKoon, Jr., Esq.  
P. O. Box 3220  
Phenix City, AL 36868-3220

Dale Cunningham  
517 Fond Du Lac Drive  
Stone Mountain, Georgia 30088

Done this 9th day of October, 2007.

  
COUNSEL

Court Name: U S DISTRICT COURT - AL/M  
Division: 2  
Receipt Number: 4602000712  
Cashier ID: kalandra  
Transaction Date: 10/11/2007  
Payer Name: BUTLER PAPPAS WEIHMULLER ET AL

CIVIL FILING FEE

For: BUTLER PAPPAS WEIHMULLER ET AL  
Case/Party: D-ALM-3-07-CV-000916-001  
Amount: \$350.00

CHECK

Check/Money Order Num: 371722  
Amt Tendered: \$350.00

Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

Henderson et al v. Greyhound Lines,  
Inc. et al